

July 27, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 27, 2005, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
RHONDA G. HENDERSON, Director of Planning
JENNIFER M. HOOVER, Director of Public Works
DIANA C. STULTZ, Zoning Administrator
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
TAMELA S. GRAY, Legal Secretary
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Cuevas called the meeting to order at 6:00 p.m.

Director of Community Development Vaughn led the Pledge of Allegiance and Supervisor Floyd gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on July 13, 2005, after making changes as requested by the Deputy Clerk.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Kyger indicated his interest in meeting with Mr. Komara to discuss possible road improvements in the Dayton area.

Supervisor Breeden asked about the Bloomer Springs Road study, and Mr. Komara said he would check into the status of that project.

Supervisor Breeden mentioned several possible changes in the Coors area, perhaps an industrial intersection sign and speed limit reduction. He noted seeing a large set of black marks on Route 340 and Island Ford Road. He asked if the bridge on Route 340 was going to bid in the fall. Mr. Komara will look into these matters and stated that the bridge bids would be in October or November.

Supervisor Floyd mentioned the possibility of surface treatment for Trinity Church Road. Mr. Komara will investigate.

Supervisor Floyd advised of numerous accidents at the Route 689 and Massanetta Springs Road intersection, the most recent last week. Mr. Komara noted that a number of improvements have been made and agreed to take a look at the intersection again to see what else can be done.

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TREASURER'S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented to the Board the following Tax Collection Report as of June 30, 2005, and Lists of Uncollectible and Delinquent Taxes.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board accepted the report, recognizing the applicability of Section 58.1-3921 and 58.1-3224, so that the applicable taxes shall no longer be deemed delinquent and proper credit is given to the Treasurer.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board gave approval for destruction of old tax tickets as requested by the Treasurer.

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STANDARD OPERATING PROCEDURES FOR ROCKINGHAM COUNTY ANIMAL CONTROL.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Standard Operating Procedures for Rockingham County Animal Control officers.

Rockingham County Department of Animal Control
Standard Operating Procedures

Subject: Use of Chemical Immobilization

1. PURPOSE:

The purpose of this Standard Operating Procedure is to establish guidelines, as required by VDACS Division Administration Directive 83-1, regarding the carry and use of chemical immobilization equipment.

2. POLICY:

It is the policy of the Rockingham County Department of Animal Control to comply with all applicable state and federal laws governing the use of controlled substances, and use of tranquilization devices.

3. Procedures: Use of tranquilizer equipment

A. No animals shall be tranquilized by any employees of this department not holding a valid certification as required by law.

B. No animals will be tranquilized by any employee of this department without the prior authorization of a licensed veterinarian, who has filled out and signed, the required veterinary supervision acknowledgment agreement with Rockingham County.

C. Any drugs used to tranquilize any animal by any employee of this department, will be;

1. provided by;
2. under the direct and immediate supervision of; and
3. authorized by,
a licensed veterinarian, as described in section B.

D. All drugs carried by employees of this department shall be stored in a locked container in that employee's vehicle.

E. The larceny or any unexplained loss of any controlled substances carried by employees of Rockingham county animal control shall be reported immediately to a department supervisor.

F. Post immobilization care for tranquilized animals shall be done at the direction of the authorizing veterinarian.

G. Post immobilization care for tranquilized animals shall be done at the location, as directed by the authorizing veterinarian.

H. An immediate record of all pertinent information shall be filled out at the completion of a tranquillization procedure.

I. Use of tranquilizing equipment shall not be used on large farm animals running loose on the interstate highway.

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HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD.

Following a presentation by Charlotte V. McNulty, Executive Director, Harrisonburg-Rockingham Community Services Board, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board endorsed the State Performance Grant for the Harrisonburg-Rockingham Community Services Board as requested by Ms. McNulty and, further, endorsed the Services Board's request to become its own fiscal agent.

Chairman Cuevas asked Ms. McNulty to provide to the Board statistical information on the number of children and adults being served in the drug abuse programs. He asked that she work with the Sheriff and with the Boys & Girls Club to see that people who should be in the Services Board Programs are not sent to jail instead and that there is not duplication of services among agencies.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated July 22, 2005, including information regarding additional staffing for the Sheriff's Department, Boys & Girls Club, Resolution of Support for federal funding for counteracting methamphetamine use, NACo Meeting synopsis, Lacey Spring Tower site, and Coyote Containment Program.

ADDITIONAL SHERIFF'S DEPARTMENT EMPLOYEES.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the City/County Liaison Committee, the Board approved a supplemental appropriation of \$129,000 to account 001-03302-Jail, with funding 50% from the General Fund reserve and 50% from the City of Harrisonburg, for four additional jail officers for the current fiscal year. This action will permit the Sheriff to add one person to each shift.

RESOLUTION NO. 05-21 - SUPPORT FOR FEDERAL FUNDING FOR COUNTERACTING METHAMPHETAMINE USE.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-21.

**Resolution 05-21
Action on Methamphetamine Epidemic**

Whereas, methamphetamine, or "meth," is a highly addictive and destructive drug that has reached epidemic proportions across Virginia and the rest of the United States in rural, suburban and urban counties; and

Whereas, meth can be easily manufactured in almost any setting from common household chemicals, such as cold medicine; and

Whereas, meth use has a wide range of consequences, including contamination of the environment as well as violent and reckless behavior by users, which jeopardizes the well being of children and the entire community where meth is found; and

Whereas, prevention and education are critically important to combating meth use; and

Whereas, an alarming rate of children are being found at meth labs, where they are living in deplorable conditions and are vulnerable to neglect and abuse; and

Whereas, methamphetamine abuse leads to many health-related problems for users and those around them. Long-term

health risks associated with meth use include tooth decay, depression, and pulmonary and neurological challenges. Children who are exposed to these hazardous chemicals during production and use may also develop neurological and pulmonary diseases, which increases the risks of developing learning disabilities; and

Whereas, for each pound of methamphetamine produced, five to seven pounds of toxic waste are also produced, and this pollution is often introduced into the environment through septic systems, streams and groundwater; and

Whereas, treatment for methamphetamine addiction has been found to be effective when the user is willing to accept it and where it is available; and

Whereas, research has shown that an additive to anhydrous ammonia is effective in reducing the production value of meth, while still being useful as a fertilizer for production agriculture; and

Whereas, there are currently no remediation guidelines for individuals and local governments to follow to safely and effectively clean up a meth lab; and

Whereas, a comprehensive strategy is needed to fight meth, such strategy to include law enforcement, treatment, education, prevention, research, clean up, child protective services, and the control of the availability of the consumer products used to make the drug; and

Whereas, several bills have been introduced in Congress to combat the methamphetamine scourge, including HR 13, HR 798, HR 314, HR 1350 and S. 103;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Rockingham County, Virginia, that Rockingham County urges Congress and the Bush Administration to increase funding for methamphetamine education, prevention, research, enforcement, clean up and treatment; and

BE IT FURTHER RESOLVED that Congress and the Administration are strongly urged to establish a comprehensive, coordinated and multi-faceted response to the methamphetamine crisis.

COMMUNICATION TOWER SYSTEM - WEST SIDE OF NORTH VALLEY PIKE, LACEY SPRING AREA.

Mr. Paxton noted a report received (since the Board held a public hearing on a special use permit for locating a communications tower on the Lacey Spring Elementary School site) from the Director of the Harrisonburg-Rockingham Emergency Communications Center, with an evaluation of potential alternate sites for location of the radio communications tower. He pointed out that a second site, owned by J.C. Neff, was identified for the Board's consideration. He reminded the Board that, while the previously considered Lacey Spring Elementary School site was owned by the County, no other antennas could have been

located on the tower. He noted that, on the alternate site, which will require a monthly rental fee, the County could lease space for others to locate antennae, thereby offsetting the rental costs.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S05-35, request of Rockingham-Harrisonburg Emergency Communications Center, 101 North Main Street, Harrisonburg for emergency communication tower system at property located on the west side of North Valley Pike in the Lacey Spring area.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied S05-35 as it pertains to the Lacey Spring School site and authorized advertising for public hearing on August 24, 2005, the use of the J.C. Neff property as the site for the Lacey Spring communications tower.

BOYS & GIRLS CLUB.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board approved an appropriation of \$25,000 from the contingency account to the Boys & Girls Club for afternoon activities for middle school children.

DISCOUNT DRUG PROGRAM.

Mr. Kyger discussed the Discount Drug Program that was presented at the recent NACo annual meeting. On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board Authorized staff to make application for the County to become a participant in a discount drug program to benefit County citizens.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Brown did not have a written report.

Chairman Cuevas asked staff to look into the impact of the recent U.S. Supreme Court decision concerning the use

of eminent domain by governments and to advise the Board as to its impact on the County.

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LANDFILL.

Mr. Paxton announced that there would be a public meeting at 1:00 p.m. on August 10, 2005, regarding the next phase of the landfill, a requirement of DEQ.

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S05-36, REQUEST OF DYNAMIC AVIATION GROUP, INC. - RECESSED.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the following public hearing (previously recessed on July 13, 2005) to September 14, 2005.

S05-36, request of Dynamic Aviation Group, Inc., P.O. Box 7, 1402 Airport Road, Bridgewater, for an airport capital improvement plan (parking lots, runway extension, support shops, 2 hangars, renovations and security upgrades on property located on the north side of Airport Road (Route 727) approximately 1 mile east of Warm Springs Pike (Route 42) in Ashby Magisterial District, Election District #4, zoned M1 and A2. Tax Map #136-(A)-89 & 137-(A)-36.

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PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.

At 7:10 p.m., Chairman Cuevas declared the meeting open for a public hearing on the following special use permit requests.

Ms. Stultz reviewed the requests and staff's recommendations.

S05-39, request of Shenandoah Valley Produce Auction, 6377 West Dry River Road, Dayton for produce, hay, and livestock, and machinery auctions on property located on the west side of W. Dry River Road (Route 738) approximately 700 ft. south of Lumber Mill Road (Route 734) in Ashby Magisterial District, Election District #2, zoned A-1. Tax Map #106-(A)-33.

Andy Jackson, speaking for the applicant, advised that, with every auction held, the response had been larger each time. He noted the auctions value to the County and to the

agricultural producers. A number of people in the audience stood to show that they were in favor of the request.

There were no objections raised.

S05-40, request of Ridgeview Farms, LLC, 4109 Lucy Long Drive, Harrisonburg for a second residence for farm worker on property located on the southwest side of Lawyer Road (Route 655) approximately 850 feet southeast of Longley Road (Route 657) in Stonewall Magisterial District, Election District #5, zoned A1. Tax Map #141-(A)-74.

Frank Gordon, applicant, advised that he planned to build a new home for his family on the site and to retain the existing house to be used by a farm worker.

There were no objections raised.

S05-41, request of Charles W. Becks, 8284 Ore Bank Road, Port Republic for a private cemetery on property located on the southwest side of Ore Bank Road (Route 708) approximately 1 mile southeast of South Eastside Highway (Route 340) in Stonewall Magisterial District, Election District #3, zoned A2. Tax Map #161-(A)-104C.

There were no requests to speak on this matter.

At 7:21 p.m., Chairman Cuevas closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-39, request of Shenandoah Valley Produce Auction, 6377 West Dry River Road, Dayton for produce, hay, and livestock, and machinery auctions on property located on the west side of W. Dry River Road (Route 738) approximately 700 ft. south of Lumber Mill Road (Route 734) in Ashby Magisterial District, Election District #2, zoned A-1. Tax Map #106-(A)-33.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.

- (2) The building shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (4) A commercial entrance permit shall be obtained from VDOT's Residency Office and shall be submitted to the Department of Community Development prior to obtaining final zoning approval for building permits.
- (5) VDOT reserves the right to require further entrance upgrades in the future should conditions warrant.
- (6) Off-street parking shall comply with the Rockingham County Code. There shall be no parking on the state right-of-way.
- (7) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) The Health Department has approved portable restroom facilities for this auction. However, the County shall allow the use of portable restroom facilities for a limited amount of time. If this location becomes a permanent location (for more than 2 years) the County shall require restroom facilities in the building.
- (10) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-40, request of Ridgeview Farms, LLC, 4109 Lucy Long Drive, Harrisonburg for a second residence for farm worker on property located on the southwest side of Lawyer Road (Route 655) approximately 850 feet southeast of Longley Road (Route 657) in Stonewall Magisterial District, Election District #5, zoned A1. Tax Map #141-(A)-74.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.

- (4) This permit is contingent upon applicant obtaining an on-site sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) This residence shall not be used for rental purposes.
- (6) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-41, request of Charles W. Becks, 8284 Ore Bank Road, Port Republic for a private cemetery on property located on the southwest side of Ore Bank Road (Route 708) approximately 1 mile southeast of South Eastside Highway (Route 340) in Stonewall Magisterial District, Election District #3, zoned A2. Tax Map #161-(A)-104C.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (3) All state regulations pertaining to private cemeteries shall be met.
- (4) The area to be used as the cemetery shall be fenced within one year from date of approval of this permit, and applicant shall notify the Zoning Administrator when fencing is completed.
- (5) As required by Health Department, area to be used as cemetery shall be 100' from all water supplies.

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PUBLIC HEARING - REZONING REQUEST.

At 7:23 p.m., Chairman Cuevas declared the meeting open for a public hearing on the following rezoning request.

RZ05-10, request of Carl D. Berkey, 3316 Hemlock Street, Harrisonburg, to rezone 36.809 acres from A2 (General Agricultural) to R2-C (Medium Density Residential with Conditions) on tax parcel 107 (A) 166 and a portion of 107 (A) 167E. The site is located on the northwest end of White Oak Drive and southwest end of Tulip Terrace, at Belmont Estates, in Election

District #4. The Comprehensive Plan designates this area as Agricultural Reserve. R2 allows 3.6 dwelling units per gross acre; the applicant is proposing 2 single-family dwellings per gross acre.

Ms. Henderson reviewed the request.

The Planning Commission recommended approval, by a 5 - 0 vote, indicating that the proposal was in keeping with the character and focus of the Comprehensive Plan.

Supervisor Kyger advised that a new proffer was received from the applicant: "Only 25 lots will be sold prior to developing an additional access, either to Silver Lake Road or to Erickson Avenue. The access to Erickson Avenue to be by either an extension from the subject property, or by an extension of White Oak Drive. Additionally, after the alternate access is developed, the remaining land will be developed in such a way that all new traffic will use the alternate access until the last lots are developed (i.e. last section of the subdivision is developed)." He noted that, because of the interest in the rezoning, the County was going further into the site plan review process than it normally would do at this stage of the rezoning request so that questions and problems could be resolved before the Board's decision was made. He stated that he would be involved in the site plan review to insure the "integrity of the review" if the application were to be approved.

David Earman asked, "Once the lot is connected from Silver Lake Road to the larger tract, will it continue on to White Oak allowing traffic to meander through Belmont up to Erickson Avenue?" Supervisor Kyger responded that he would encourage the site plan to show the road that comes off Silver Lake Road to be equally meandering and noted that VDOT had agreed to give approval for "no through traffic." He said he did not know of any other way to get the tract built without using the existing road and finding a way to make it as meandering as possible, which would discourage its use as a through road. He pointed out that Old Route 33 is so meandering that motorists do not use it unless they have to.

Jack Horner asked why White Oak Drive or Tulip Terrace would be closed if the Fire and Rescue Department had no problem with one point of ingress and egress. He objected to the traffic and safety problems he thought the development would bring about but said he did not oppose the subdivision. He expressed concern about possible lowering of property values because of the increased traffic.

Richard Boyer asked if VDOT required that the access be through Belmont. Supervisor Kyger and Mr. Boyer read passages from the following letter addressed to Mr. Berkey, from T. K. Fitzgerald, Assistant Residency Administrator, Harrisonburg Residency, VDOT, and dated July 15, 2005.

I really enjoyed meeting with both you and your son on Monday to consider the possibility and feasibility of an entrance to your proposed development off of Route 701 (Silver Lake Road). It is my understanding that you currently have a fifty (50) feet right of way off of Route 701 that would allow for the entrance.

When looking at the proposed entrance it appears that a subdivision entrance could be placed within your right of way. The sight distance at your proposed entrance is nine hundred seventy-four (974) feet to the north and seven hundred eighty-two (782) feet to the south. The speed limit on Route 701 is currently 35 mph, which means the sight distance requirement for this location is three hundred ninety (390) feet.

While an approved subdivision entrance could possibly be placed on Route 701, the department questions the feasibility of placing the entrance at this time. As of our last traffic count in 2003, Route 701 carries one thousand six hundred (1,600) vehicles per day. Of these one thousand six hundred (1,600) vehicles, truck traffic accounts for 8 %. In looking at the past traffic data it appears that Route 701 has not actually been counted since 1999. The actual traffic count is most likely higher than what is currently listed. Currently Route 701 has eighteen (18) feet of pavement and a forty (40) foot right of way. Furthermore, Route 701 has several horizontal and vertical problems that create safety issues. Adding this entrance and additional traffic to Route 701 will increase the possibility of accidents for the traveling public.

The department will require phase one of your development to connect to the existing Belmont Estates street system. With these connections in place there appears to be little need for the additional entrance on Route 701 at this time. Adding the entrance will possibly encourage cut through traffic and will in turn increase traffic through Belmont Estates.

As a result of our review, the department would not recommend that this entrance be constructed at this time, however as future phases develop, this entrance may become necessary.

Supervisor Kyger pointed out that there appeared to be conflicting statements in the letter and noted that VDOT would be asked to clarify these.

Steve Weaver, representing the applicant, said the land was appropriate for rezoning as it was classified as "rough outcrop and exposed bedrock." He pointed out its natural boundary on the west side of Cooks Creek with a significant flood plain. He pointed to the other side with Silver Lake Road as a natural boundary on the east. He described the proposal as an "orderly and natural extension of Belmont." He noted that Belmont has developed over 40 years, has had multiple rezonings and multiple land owners who sold their land to be developed as part of Belmont. He reminded the Board that the development will be served by city water, public sanitary sewer and existing street connections. He noted that stubbed streets have been required in the past and that the interior streets of Belmont are connecting streets so people can get from one neighborhood to another without going around the subdivision. He stated that, as Belmont has been built further out and as new people moved in, the new neighborhoods have been added to the stubbed streets. He noted that the cul-de-sacs are located strategically for development of the community. He said it was a well thought out and successful subdivision, and the present proposal was consistent with the history of Belmont from its beginning. He discussed the various streets and how they would be connected. He noted that sidewalks had been suggested for improving safety, but that suggestion was not answered positively by the community. He said it would not be good planning to block two streets in the middle of a neighborhood, as some had suggested. He pointed out that the proffer to convey open-space property to the Belmont Civic Association had been withdrawn because it would create an expense and maintenance burden on the Association.

Carl Berkey, applicant, said he had been a resident of Belmont for 30 years and did not want to do anything that would not be good for the community. He pointed out that he had proffered sidewalks. He noted that VDOT had assured him that Nutmeg would be an adequate and safe road for the traffic. He reminded the Board that the speeds in Belmont were dictated by the people who live there and drive on the streets. He said he had been contacted by 70 people who want to build homes in the neighborhood so there was definitely a need for the project.

Harry Kraus, Belmont resident, said he had been looking for an acceptable building lot and urged the Board to keep in mind him and others who were looking for sites to build homes. He noted that "not everyone in Belmont" was opposed to the application.

Bernard Martin said he started Belmont in 1967 when he bought the first farm and added to those 55 acres as other properties became available. He pointed out that, if the Board had denied that rezoning, most of the people in the audience would not be there to speak on the proposal. He said, "Everyone could see the plan was to extend into neighboring properties." He noted that Nutmeg was capable of carrying more traffic than it has at present.

Gerald Strite said Mr. Berkey built only "quality" homes. He thought the development would be a natural extension of Belmont. He said the proposal would be a good use for the land which is 55 percent bedrock.

James Riggle said it would be a challenge to build on the site because it does have a lot of rock. He expressed concern that many people are looking for building sites and none are available. He warned that cul-de-sacs cause safety problems and asked that the plan be approved as proposed.

Ben Halsnic, builder and former Belmont resident, reiterated Mr. Riggle's concern that there is a lack of building sites in the community.

Sam Weaver, Belmont Civic Association President, said the Association had a subcommittee to look at the proposal. He noted that residents had expressed concerns about traffic and the safety impact on Belmont. He said the Association was not opposed to the development of the property but had concerns about the traffic situation. He asked that the traffic for this property not go through Belmont's streets. He gave the Board a petition, which he said had over 500 names opposing the traffic plan.

Mitch Ball expressed concerns about traffic from a new development causing increased traffic on Belmont's interior streets and causing safety problems. He described present traffic patterns and excessive speed already on the streets.

Supervisor Kyger asked the number of people who wanted sidewalks in the present development to raise their hands. Four people said they would be interested if they did not have to pay for the sidewalks.

Richard Boyer, Belmont Traffic Planning and Safety Committee, said the proposal would have a negative effect on the safety and general welfare of the people living in Belmont. He expressed concern about increased traffic volume and the effects that would have on the residents. He noted that he had spoken to a Fire and Rescue employee and was told that there was no requirement for multiple accesses, that the Fire and Rescue Department "could operate perfectly well if the access to the new development was from Silver Lake Road." He said the new development would "subject Nutmeg Court to traffic that is 70 to 80% above the "maximum tolerable vehicle load."

David Earman expressed concerns about "safety issues on the streets," and traffic increases. He said the new subdivision would be conceptually wrong because it would use streets already in place, the traffic would go to Erickson Avenue, and there would be an increase in through traffic which would have to use Nutmeg Court. He said sidewalks in the new development would be a good idea, but that would not help the existing residents of Belmont. He said the traffic committee did not address the question of adding sidewalks to the present Belmont community.

Supervisor Kyger noted that, regardless of the outcome of the application under consideration, the question of adding sidewalks to the existing Belmont streets had been raised and should be addressed.

Ed Wertz noted that the traffic count conducted by VDOT from May 3 to May 5 showed there were 2,165 vehicles. He reiterated the points made by previous speakers concerning the proposed increase in traffic on Belmont's existing streets.

Nancy O'Hare expressed concern about children walking and playing on the streets with their scooters, skateboards and bicycles. She believed the new development would put pedestrians in danger.

Jack Horner said he did not object to the subdivision but did object to the traffic and safety problems it would cause. He also believed property values might be lowered as a result of increased traffic.

Lenore Dowds said the "quality of life will go down because the more you build, the less quality you have." She asked that Belmont be kept "as it is," and noted that she moved from New York and bought a house in Belmont because she wanted "country quality."

Sinclair Hubbard questioned the "big plan." She wanted to know how much longer and how much larger Belmont was going to be developed. She expressed concern that there was no master plan for Belmont.

Pat Roach expressed concerns about speeding vehicles, increased traffic from the new high school and the traffic problems that would result.

At 9:45 p.m., Chairman Cuevas closed the public hearing and called the meeting back to order.

Supervisor Kyger noted that a large amount of information had been presented to the Board which would warrant further exploration. He noted that he wanted to explore the recommendations of the Fire and Rescue Department and of VDOT. He moved to table the request to give the Board time to investigate the matter more thoroughly. The motion was seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

Chairman Cuevas advised that additional proffers were permitted to be made as long as they were more restrictive on the applicant.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated July 26, 2005, concerning a vehicle for Community Development.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board approved the purchase of a 2005 Ford Taurus SE, mileage of 15,000, from Dick Myers Chevrolet at a cost of \$13,000. The FY06 Budget includes \$14,000 for this purchase.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated July 26, 2005, concerning a vehicle for Community Development.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board approved the purchase of a 2005 Ford Taurus SE, mileage of 15,000, from Dick Myers Chevrolet at

a cost of \$13,000. The FY06 Budget includes \$14,000 for this purchase.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated July 22, 2005, including information concerning Penn Laird Drive and Water Tower Road sewer (staff soon to contact property owners for easements); Lakewood/Massanetta Springs pump station (pumps have started up); McGaheysville WWTP (no change since last report); Phase III expansion of the landfill; Grassy Creek Tank (work on schedule), Three Springs Water System Analysis, and Countryside (some restoration issues remaining).

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated July 27, 2005, including information concerning draft McGaheysville Area Plan, development activity, tabled requests, and upcoming requests.

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SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Jeffrey Stapel to a two-year term, expiring on June 30, 2007, on the Shenandoah Valley Workforce Investment Board.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

MERCK PROJECT XL COMMITTEE.

Administrator Paxton currently represents Rockingham County in the meetings concerning the Merck XL PSD permitting process. Chairman Cuevas appointed Deputy County Administrator Stephen G. King as Mr. Paxton's alternate. Chairman Cuevas noted that Supervisor Breedon also serves as a citizen representative on the committee.

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CALL TO ORDER AND CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 10:08 to 10:27 p.m. for a closed meeting pursuant to Section 2.2-3711(1) *Virginia State Code*, Personnel Matters, and Section 2.2-3711(A)7, contractual matters.

At 10:27 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X05-07
SECOND: SUPERVISOR AHREND MEETING DATE: JULY 27, 2005

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDON, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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LAND PURCHASE FOR LANDFILL.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board approved the purchase of land adjoining the landfill from Girdley Construction of Virginia, Inc., for \$20,000 per acre, with the County to pay Girdley up to \$5,000 as reimbursement for increased civic engineering costs incurred as a result of this sale; and further authorized the County Administrator and the County Attorney to finalize the contract for the property and authorized the County Administrator to sign the contract on behalf of the Board, together with all other documents necessary to close this transaction.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 10:27 p.m.

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Chairman